

## United States District Court

for the

Southern District of Texas

UNITED STATES OF AMERICA )

V. )

Eugene Kenneth Butler ) Case Number:

Augusta, GA )

)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 1, 2018 in the county of Webb in the  
(Date)

Southern

District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

Title 8 United States Code, Section  
1324

Did unlawfully transport or move or attempt to transport or move Mexican and Guatemalan nationals Jorge Gutierrez-Mateo, Roger Dario Lopez-Lopez and twelve (12) other undocumented aliens by means of a motor vehicle or otherwise within the Southern District of Texas, knowing or in reckless disregard of the fact that said aliens had come to, entered, or remained in the United States in violation of law; and conspired to transport the aliens by means of a motor vehicle or otherwise.

This criminal complaint is based on these facts:

See attachment "A".



Continued on the attached sheet.

/s/ Matt Rosselot

Complainant's Signature

Matt Rosselot, HSI Special Agent

Printed Name and Title

Sworn to before me and signed in my presence,

Date: July 3, 2018

Judge's Signature

City and State: Laredo, TexasDiana Song-Quiroga, U.S. Magistrate Judge

Printed Name and Title

UNITED STATES OF AMERICA

Page 2

V.

Eugene Kenneth Butler

**[CONT OF BASIS OF COMPLAINT]**

Attachment "A"

On July 1, 2018, Homeland Security Investigations (HSI) Laredo received a request for investigative assistance from the U.S. Border Patrol Checkpoint (C-29) located on Interstate Highway 35 (IH-35) north of Laredo, Texas. HSI special agents responded and interviewed border patrol agents (BPAs) who stated the following:

BPAs were manning the primary inspection lane when the driver of a red tractor-truck, later identified as Eugene Kenneth BUTLER, and his female passenger approached the inspection station. While the primary BPA initiated the inspection, a service canine in the nearby vehicle inspection lane began to alert to the presence of concealed humans and/or controlled substances and led the canine handler toward BUTLER's truck. The canine handler and his service canine conducted a non-intrusive free air sniff of the exterior of the tractor. The service canine alerted to the presence of concealed humans and/or controlled substances in the sleeper area of the tractor.

BUTLER was directed to secondary inspection where again the service canine alerted to the sleeper area of the tractor. BPAs conducted a search of the tractor and found fourteen (14) subjects concealed behind a curtain in the sleeper area. BPAs conducted an immigration inspection of the subjects and found that all were undocumented aliens (UDAs), illegally present in the United States. Eight (8) of UDAs were determined to be citizens of Mexico and six (6) of the subjects were determined to be citizens of Guatemala.

During a search of the tractor cabin, BPAs found a loaded and chambered .40 caliber pistol in a duffel bag. BUTLER stated the pistol was his and that he was a lawful possessor of the firearm. BUTLER further stated the pistol was registered to him.

During a custodial interview with HSI SAs, BUTLER admitted to transporting the UDAs and stated he was to be paid a fee of six-hundred (\$600) per UDA. BUTLER stated he was transporting the UDAs to San Antonio, Texas. BUTLER stated he was not present when the UDAs were being loaded into the tractor, but that he was aware they were being loaded into the tractor. BUTLER explained he walked away from the tractor while it was being loaded with UDAs.

During a custodial interview with HSI SAs, BUTLER's passenger stated she and BUTLER parked the tractor in a parking lot and walked away from the tractor so that she could use the restroom. BUTLER's passenger stated when they returned to the tractor, she saw UDAs inside the tractor. BUTLER's passenger stated BUTLER told her they just had to transport the UDAs past the checkpoint.

Roger Dario LOPEZ-Lopez and Jorge GUTIERREZ-Mateo are being held as material witnesses in this case. LOPEZ-Lopez stated he was in the process of being smuggled from Guatemala to his final destination of Tennessee. He further stated he was paying six thousand dollars (\$6000) to be smuggled. GUTIERREZ-Mateo stated he was in the process of being smuggled from Mexico to his final destination of Houston, Texas. He further stated he was paying four-thousand five-hundred dollars (\$4500) to be smuggled.

LOPEZ-Lopez stated as he was walking up to the tractor, he saw two (2) African-American subjects walking away from the tractor. LOPEZ-Lopez stated he was far away from the subjects and only saw them from behind so he couldn't tell whether they were male or female. LOPEZ-Lopez further stated he was the last person to be loaded into the tractor. GUTIERREZ-Mateo stated once he was loaded into the tractor, he saw the hand of an African-American subject close the curtain of the sleeper area. GUTIERREZ-Mateo further stated the tractor then drove away and did not make any stops until they were encountered at the checkpoint.